

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID GARCIA, etc.,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 4340
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM

City of Chicago ("City") has filed its Answer to the Second Amended Complaint ("SAC") in this action, brought by three plaintiffs against City and several of its police officers to redress the claimed violation (1) of plaintiffs' federal constitutional rights (invoking 42 U.S.C. §1983 for that purpose) and (2) of related rights under Illinois state law. This memorandum--not a memorandum order--is issued sua sponte.

This Court is all too frequently compelled to issue sua sponte orders or opinions to address pleading flaws of which many lawyers are either unaware or as to which such lawyers appear to have chosen to ignore some fundamental principles applicable to responsive pleadings--a phenomenon whose regrettable frequency of occurrence finally led to the issuance and publication of an Appendix to one of its opinions identifying several of the most frequent errors in that respect (State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)). That being so, it seems only fair to give recognition to a responsive pleading

that goes the other way--that appears to be properly meticulous in its adherence to the operative standards of notice pleading that apply to defendants as well as plaintiffs, expressly marking out the defendant's factual and legal positions in a way that appraises both opposing counsel and this Court as to the issues that are and those that are not in controversy. That certainly appears to be the case with City's Answer here, and this Court commends City's counsel for the careful and thorough pleading that he has tendered.¹

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: December 3, 2007

¹ This Court hastens to add that it would maintain an open mind if plaintiffs' counsel were to point out some flaw in the Answer that this Court has not itself noted.